

QUESTION #1

Dan: subsequent precaution showing ownership, knowledge, absence of mistake.

Other meddling: character evidence, for non-character purpose of common plan, knowledge, absence of mistake; habit; hearsay, limited purpose of statement.

Dan's statement to Ned re awareness of hole : hearsay, admission, state of mind; not barred by subsequent precautions doctrine.

Dan's statement to Ned re bad feelings and traps toward Pat: relevance, hearsay exceptions of admissions, state of mind; character evidence for non-character purpose, motive, absence of mistake; 352/403.

County records: hearsay, official records exception, business records exception; relevance.

Ivan re Wally statement: hearsay, statement against interest, unavailability.

Medical records: hearsay, business records, multi-level, duty of janitor, lack of trustworthiness.

QUESTION #2

Tom's expert testimony: non-hearsay as being used only for basis of opinion; hearsay, multi-level, business/official record, police report prepared for litigation, duty of Claire to be accurate as non-business employee; confrontation, forensic evidence, unavailability, *Melendez-Diaz*, information from Claire as being informal or only used for non-hearsay basis of Tom's opinion.

Cowboy Bob's testimony: relevance if Tom's testimony inadmissible; character evidence inadmissibility, exception to prove knowledge or absence of mistake, possible inadmissibility of failure to return rope even if other testimony is admissible; 352/403

Fred: relevance; hearsay, state of mind exception possibly inapplicable to Ace's hating the class which was concluded, contemporaneous exception; 352/403

Mary: mercy rule, opinion testimony(?), cross exam to test qualifications of opinion only, permissible scope, whether arrests and whether non-violent convictions are admissible, impermissible introduction of past record

Cowboy clothing: relevance, hearsay, non-assertive conduct(?); character evidence for non-character purpose, intent; 352/403